

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22662 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- THANA BIHPUR RAIL P.S. District- Khagaria

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Sushantu Sarkar @ Sushanto Sarkar SON OF LATE TITWASI SARKAR @ PITRAWASI SARKAR Village- Bherbiri Nanawari, Ward no. 01, P.S.- Mathamanga, Distt. -Kuchbihar, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bihpur Rail P.S. case No. 03 of 2023 instituted for the offences under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that on suspicion the petitioner was apprehended on the Railway station. On search, total 2.760 kg ganja was recovered from a green plastic bag.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case merely on the basis of suspicion. Nothing incriminating has been recovered from the conscious possession



of the petitioner. Learned counsel further submitted that petitioner has got no concern with the alleged recovery. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.04.2023 and has no criminal antecedent. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihpur Rail P.S. case No. 03 of 2023.

(Rudra Prakash Mishra, J)

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